

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASETEK DANMARK A/S,
Plaintiff,
v.
NEWEGG INC., et al.,
Defendants.

Case No.16-cv-07068-JST

SCHEDULING ORDER

The Court hereby sets the following case deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

Event	Deadline
Stipulated ESI order or competing proposed ESI orders due	March 29, 2017
Deadline to amend the pleadings ¹	July 26, 2017
Claim construction discovery cut-off	August 17, 2017
Claim construction opening brief	Sept. 1, 2017
Claim construction responsive brief	Sept. 15, 2017
Claim construction reply brief	Sept. 22, 2017
Claim construction hearing	October 16, 2017 at 2:00 p.m.

¹ After this deadline, a party may still seek amendment, but must demonstrate good cause. Fed. R. Civ. P. 16(b)(4).

1 The Court also adopts the parties' remaining deadlines as set forth in ECF No. 32.

2 Counsel may not modify these dates without leave of court. The parties shall comply with
3 the Court's standing orders, which are available at cand.uscourts.gov/jstorders.

4 The parties shall meet and confer regarding the format, scope, and content of both the
5 tutorial and the claim construction hearing, including but not limited to the permissible subjects of
6 discussion at each, whether experts will testify, and what audio-visual equipment, if any, will be
7 needed by the parties. They also shall exchange copies of any audio-visual material at least **ten**
8 **court days** before they intend to use it in court, and shall bring any disputes regarding the format,
9 scope, or content of any tutorial or hearing to the Court's attention at least **five court days** before
10 the tutorial or hearing. The Court will deem as waived any objection raised less than five court
11 days before the tutorial or hearing. The parties shall lodge hard copies of their presentation
12 materials with the Court on the day of the tutorial or claim construction hearing.

13 At claim construction, the Court will construe only the terms the parties identify in their
14 Joint Claim Construction and Prehearing Statement as "most significant to the resolution of the
15 case up to a maximum of 10." Patent Local Rule 4-3(c). The Court will reserve no more than on
16 two-and-one-half hours its calendar for the claim construction hearing, including a brief recess.
17 The Court prefers that the parties proceed term-by-term, with each party providing its views on
18 each term before moving on to the next. The Court's use of time limits means that the parties may
19 not have the opportunity to present oral argument on every term they have submitted for
20 construction, and the parties should prioritize their presentations accordingly.

21 The Court agrees with the parties that a tutorial is unnecessary.

22 The parties must take all necessary steps to conduct discovery, compel discovery, hire
23 counsel, retain experts, and manage their calendars so that they can complete discovery in a timely

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manner and appear on the noticed and scheduled dates. All counsel must arrange their calendars to accommodate these dates, or arrange to substitute or associate in counsel who can.

Dated: March 20, 2017


JON S. TIGAR
United States District Judge

United States District Court
Northern District of California